

Vincent F. Papalia, Esq.
Mark A. Roney, Esq.
SAIBER LLC
One Gateway Center, 13th Floor
Newark, NJ 07102
Telephone: (973) 622-3333
Facsimile: (973) 622-3349

Attorneys for the Borough of Roseland

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY

In re:

EAST COAST SANITATION CO., INC.,

Debtor.

Chapter 11

Case No. 09-30888 (DHS)

Honorable Donald H. Steckroth

**NOTICE OF MOTION FOR ENTRY OF AN ORDER DETERMINING
THAT THE AUTOMATIC STAY IS NOT APPLICABLE TO THE BOROUGH OF
ROSELAND'S TERMINATION OF A CONTRACT WITH THE DEBTOR
OR, IN THE ALTERNATIVE GRANTING RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. §362(d)(1)**

TO:

Daniel J Yablonsky, Esq.
Yablonsky & Associates, LLC
1430 Route 23 North
Wayne, NJ 07470
dyab@yablaw.com
Attorneys for Debtor-in Possession

Donald F. MacMaster, Esq.
Office of the United States Trustee
One Newark Ctr, Suite 2100
Newark, NJ 07102
Donald.F.MacMaster@usdoj.gov

COUNSEL:

PLEASE TAKE NOTICE that on _____, 2009 at _____ a.m., or as soon thereafter as counsel may be heard, the Borough of Roseland, by and through its

undersigned attorneys shall move before the Honorable Donald H. Steckroth, United States Bankruptcy Court, District of New Jersey, at the at the United States Courthouse and Post Office Building, 50 Walnut Street, Newark, New Jersey, for an Order determining that the automatic stay of 11 U.S.C. §§ 362(a) does not apply to the Borough of Roseland's police power and/or regulatory authority to terminate a waste hauling contract with debtor East Coast Sanitation Co., Inc. or, alternatively, that "cause" exists for relief from the automatic stay pursuant to 11 U.S.C. §§ 362(d)(1) and Rule 4001-1 of the Local Civil Rules for the United States Bankruptcy Court for the District of New Jersey, for relief from the provisions of the automatic stay relating to permit the Borough of Roseland to terminate the contract at issue.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, the undersigned shall rely upon the Application, the Certification of Gary R. Schall and Certification of Mark A. Roney submitted herewith.

PLEASE TAKE FURTHER NOTICE that in accordance with Local Bankruptcy Rule 9013-1(a) a proposed form of Order is annexed hereto and oral argument is requested if opposition is filed within seven days of the service of this motion pursuant to Local Bankruptcy Rule 9013-1(d)(1).

Respectfully submitted,

/s/ Mark A. Roney

Vincent F. Papalia

Mark A. Roney

SAIBER LLC

One Gateway Center-13th Floor

Newark, New Jersey 07102

(973) 622-3333

(973) 622-3349 (facsimile)

Attorneys for the Borough of Roseland

DATED: October 8, 2009

CERTIFICATION OF SERVICE

I hereby certify that, on today's date, I caused the original of the within motion, together with the Application, Certification of Gary R. Schall, Certification of Mark A. Roney and proposed form of Order were sent for filing to the Clerk of the United States Bankruptcy Court, Trenton, New Jersey and that a copy of the motion and all supporting papers to be served via ECF and by electronic mail to the following parties:

Daniel J Yablonsky, Esq.
Yablonsky & Associates, LLC
1430 Route 23 North
Wayne, NJ 07470
dyab@yablaw.com
Attorneys for Debtor-in Possession

Donald F. MacMaster, Esq.
Office of the United States Trustee
One Newark Ctr, Suite 2100
Newark, NJ 07102
Donald.F.MacMaster@usdoj.gov

I hereby further certify that a copy of the aforesaid documents was also served upon the Debtor and its counsel by First Class Mail.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are determined to be willfully false, I may be subject to punishment.

/s/ Mark A. Roney _____
MARK A. RONEY

DATED: October 8, 2009